

SENT BY:

7-22-96 : 9:39AM :

GENENTECH LEGAL-

703 305 7362:# 1/ 4

FAX CENTER
RECEIVED

JUL 22 1996

OFFICIAL

OFFICIAL DOCUMENT

GENENTECH, INC.
South San Francisco, CA 94080-4990 USA

PHONE: (415) 225-1896

FAX: (415) 952-9881

FACSIMILE TRANSMITTAL COVER SHEET

Date: 22 July 1996

Number Transmitting To: (703) 305-3014

Please deliver the following page(s) to:

Name: Examiner Scott Prieb, Ph.D.
Group Art Unit 1805 of US PTO

From: Janet E. Hasak, Reg. No. 28,616

Number of Pages including this cover sheet: 4

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile
transmitted to the Patent and Trademark Office on the
date shown below.

Janet E. Hasak

Type or print name of person signing certification

Janet E. Hasak
Signature

22 July 1996
Date

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information from GENENTECH, INC. that is confidential or privileged. This information is intended to be seen and used only by the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us and the retransmission of them to the intended recipient.

COMMENTS

Re: U.S. Ser. No. 08/448,946 filed May 24, 1995 (Attorney Docket 175C2)

Dear Examiner Prieb:

Enclosed for consideration and entry by the Examiner are a Petition to Suspend Action by the Office under 37 CFR §1.103 (2 pages) and the first page of the Amendment mailed July 17, 1996 (1 page) in connection with the above application. We understand that a Petition to Suspend is handled by the group art unit.

GROUP 1800

Tw
7/28/96
#6/c
H

Patent Docket P0175C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Arjun Singh Serial No.: 08/448,946 Filed: 24 MAY 1995 For: USE OF ALPHA FACTOR SEQUENCES IN YEAST EXPRESSION SYSTEMS	Group Art Unit: 1805 Examiner: S. Priebe
---	---

PETITION TO SUSPEND ACTION BY THE OFFICE UNDER37 CFR §1.103

BOX DAC
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

1. Petition is hereby made to suspend action by the Office in the above-identified application. A response to the outstanding Office Action dated January 18, 1996 was filed on July 17, 1996 as indicated by the Certificate of Mailing of the enclosed first page of the Amendment. Hence, there are no outstanding responses due in this application.

2. The reason for filing this Petition is that there are overlapping claims between this application and that of the parent application, U.S. Ser. No. 07/552,719, which is involved in an interference (No. 102,728). Final briefs were recently filed with the Board of Appeals and Interferences regarding this interference. Since the interference is not resolved and involves claims overlapping with claims in the instant application, petitioners believe that MPEP §709.01 applies. In accordance with MPEP §709.01, where there are overlapping claims the Examiner is requested to suspend prosecution of the application pending the final determination of priority in the

U.S.S.N. 08/448,946

Page 2

interference. This constitutes good and sufficient cause because, for example, there is an obviousness-type double patenting rejection in the above-identified application, and while the parent application is involved in an interference, petitioners are unable to prosecute the claims therein. Therefore, petitioners ask for suspension until final resolution of priority of the interference, which petitioners believe is a reasonable time period.

3. The petition fee under 37 CFR 1.17(i) of \$130.00 is to be charged to Deposit Account No. 07-0630. Please charge any deficiency or credit any overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: July 22, 1996By: Janet E. Hasak
Janet E. Hasak
Reg. No. 28,616

460 Pt. San Bruno Blvd.
So. San Francisco, CA 94080-4990
Phone: (415) 225-1896
Fax: (415) 952-9881

Patent Docket P0175C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Arjun Singh Serial No.: 08/448,946 Filed: 24 MAY 1995 For: USE OF ALPHA FACTOR SEQUENCES IN YEAST EXPRESSION SYSTEMS	Group Art Unit: 1805 Examiner: S. Priebe CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on July 17, 1996 <i>Pamela Gavette</i> Pamela Gavette
---	---

AMENDMENT UNDER 37 CFR §1.111(B)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed January 18, 1996 in connection with the above-identified application. A Petition and Fee for extension of time of three months is enclosed, bringing the time for response to July 18, 1996.

IN THE SPECIFICATION:

On page 1, line 26, after "1982," insert --now U.S. Pat. No. 4,775,622,--; in line 27, after "1983," insert - now abandoned, which was filed as a continuation having Serial No. 07/541,186 filed June 20, 1990, now issued as U.S. Pat. No. 5,010,003,--.

On page 8, after line 32, please insert:

- 1 --Fig. 13 depicts a Southern hybridization of (a) human, (b)
—bovine and (c) porcine genomic DNAs digested with EcoRI and
hybridized at different formamide concentrations with a 32P-
labelled 570 base-pair EcoRI fragment containing the coding region
5 of the human leukocyte interferon A/D hybrid. The hybridization at